

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 8:05CV298
)	
)	MEMORANDUM
Plaintiff,)	AND ORDER
v.)	
)	
LYLE VINES and SHAND VINES,)	
)	
Defendants.)	

Application has been made by the Plaintiff under Rule 55 of the Federal Rules of Civil Procedure for entry of default judgment against the Defendant Lyle Vines for failing to appear, plead, or otherwise defend (filing 10). In support of the application a declaration has been filed by the Plaintiff which indicates, among other things, that the Defendant Lyle Vines is on active duty in the military service of the United States, stationed at Offutt Air Force Base. Before a judgment may be entered against this Defendant, therefore, an attorney must be appointed to represent him. See 50 U.S.C. App. § 521(b)(2). Accordingly,

IT IS ORDERED that:

1. Pursuant to the Servicemembers Civil Relief Act, and upon notice by the government that Lyle Vines is entitled to appointment of counsel due to his military status, attorney Jerry M. Hug is appointed to represent Lyle Vines. Mr. Hug shall promptly enter his appearance in this case and take such further action as may be required by 50 U.S.C. App. §521(b)(2) and related statutes. Mr. Hug shall be paid a reasonable fee not to exceed \$90 per hour plus out-of-pocket expenses.

2. Mr. Hug's fees and expenses shall be paid by the United States of America unless it shows good cause, supported by competent legal authority, as to why it should not be responsible for such payment. If the government desires to make a good cause showing, it shall do so no later than March 23, 2006.

3. The clerk of the court shall mail a copy of this memorandum and order to:

Jerry M. Hug
1823 Harney St. #1004
Omaha, Nebraska 68102

March 2, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge